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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

William W. Wheeler, III, Presiding Judge

Case No. 2026-CP-40-00467
Appellate Case No. 2026-001100

Elspeth Murday, ...Appellant,

v.

Alanna Murday, ...Respondent.

RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR EXTENSION AND RESPONDENT'S MOTION TO DISMISS APPEAL

Respondent Alanna Murday respectfully submits this Return to Appellant's Motion for Extension, which seeks to extend the current deadlines for the above-referenced case to August 20, 2026. For the reasons stated below, Respondent requests that this Court deny Appellant's Motion for Extension and dismiss this appeal.

FACTUAL BACKGROUND

I. Probate Court

On or about January 9, 2025, David E. Murday ("Decedent") died testate. Respondent Alanna Snow Murday, as the primary Personal Representative named in Decedent's Will, filed the Application for Informal Appointment and Probate of Will on February 13, 2025, with the Richland County Probate Court. Respondent has since resigned as the Personal Representative of the Estate and Donald A. Murday, who is named as the alternate Personal Representative in

Decedent's Will, has been appointed. Decedent's Will, as amended by the Private Agreement Among Successors filed June 6, 2025, provided that his real property located at 828 Whaley Street, Columbia, SC 29201 (TMS No. R08913-08-02) ("Property") be sold and the proceeds split equally between Decedent's daughters, Appellant and Respondent. Appellant and Respondent discussed the possibility of Appellant buying the Property, but Appellant refused to purchase the Property at half (1/2) of the appraised value of $450,000.00 and instead wanted to purchase the Property for $1.00 or, at most, at the tax appraised value of $261,200.

Therefore, Respondent entered into a contract for the sale of the Property for the appraised value with a closing date of December 5, 2025. On or about November 19, 2025, the currently contracted buyers of the Property informed Respondent that Appellant began texting them in an effort to convince them to not buy the Property, wherein Appellant stated that she has substantial health problems and that it would end her life if they proceeded with the purchase of the Property. Appellant also filed an Application for Restraint ("Application") on December 2, 2025, requesting that the Richland County Probate Court restrain Respondent from selling the Property "due to substantial, likely life-threatening medical harm." Appellant's Application for Restraint was heard by The Honorable Amy W. McCulloch on January 12, 2026. Judge McCulloch denied Appellant's Application by her Order Denying Application for Restraint ("Order") on January 15, 2026, finding that Appellant did not show that Respondent "jeopardize[d], unreasonably" Appellant's interest in the Property; that Appellant "did not provide evidence showing a causal link between the sale of the Real Property and life-threatening harm to her health;" and that Respondent was "directed to continue with the sale of the Real Property."

II. Circuit Court

Appellant attempted to appeal Judge McCulloch's Order by emailing a Notice of Intent to

Appeal to Circuit Court to the Probate Court and filing such Notice with the Circuit Court on January 27, 2026. Respondent filed a Motion to Dismiss the Appeal on February 5, 2026, due to Appellant failing to follow the filing requirements of S.C. Code Ann. § 62-1-308(a). After a hearing held March 19, 2026, the Honorable William W. Wheeler, III granted the Respondent's Motion based on Appellant's failure to comply with the statutory filing requirements by Form 4 Order filed March 20, 2025. Appellant filed a Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCP, against Judge Wheeler's Form 4 Order on March 25, 2026. Judge Wheeler denied Appellant's Motion on April 8, 2026. Respondent filed a formal Order pursuant to Judge Wheeler's Form 4 Order on March 27, 2026, and Appellant filed a Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCP, on April 6, 2026, against the formal Order. Judge Wheeler has not ruled on Appellant's second Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCP, but Respondent believes that Judge Wheeler would similarly deny the second Motion as it makes fundamentally the same arguments as the first Motion.

Appellant filed a Notice of Appeal to the Court of Appeals on May 6, 2026. Pursuant to Rule 241, SCACR, and Rule 65(c), SCRCP, Respondent filed an Expedited Motion for Appeal Bond with the Circuit Court requesting that the Circuit Court require Appellant to provide a supersedeas bond, as the appeal essentially stays Judge McCulloch's Order and prevents the Estate from making final distributions and closing during the appeal. The Honorable Daniel Coble granted Respondent's Motion, requiring Appellant to furnish a fifty thousand and 00/100 ($50,000.00) dollar bond. Appellant filed a Motion to Alter or Amend Judge Coble's ruling, but her Motion was denied by Judge Coble on July 9, 2026. Appellant was required to furnish the bond within ten (10) days of the Court's Order, but has still failed to furnish the required bond.

III. Court of Appeals

Appellant filed a Notice of Appeal to the Court of Appeals on May 6, 2026. Appellant Elspeth Murday appealed three Orders signed by the Honorable William W. Wheeler, III, in the above-referenced matter: (1) the Form 4 Order granting Respondent's Motion to Dismiss Appeal filed March 20, 2026, (2) the formal Order Granting Respondent's Motion to Dismiss Appeal filed March 27, 2026, and (3) the Form 4 Order filed April 8, 2026 denying Appellant's Rule 59(e) Motion to Alter or Amend the Form 4 Order filed March 20, 2026. Respondent received correspondence from Court Administration stating that Appellant requested a transcript on May 15, 2026. Appellant mailed her Motion for Extension to Respondent on or about July 21, 2026, but Respondent did not receive the Motion until July 27, 2026.

LEGAL ARGUMENT

I. Appellant's reasons for an extension are not applicable to this matter or are unpersuasive to the granting of an extension.

As stated above, Appellant has appealed three Orders from the Circuit Court. All of these Orders relate to a Motion to Dismiss Appeal filed by the Respondent on the basis that Appellant failed to properly or timely file the notice of appeal with the Richland County Probate Court and failed to properly or timely serve Respondent with the notice of appeal pursuant to S.C. Code Ann. § 62-1-308(a) and failed to file a Statement of Issues on Appeal, as required within forty-five (45) days after receipt of written notice of the Order. First, Appellant argues in her Motion for Extension that the Court of Appeals matter must be stayed until the Circuit Court rules on Appellant's outstanding Motion to Alter or Amend Judgment. However, this Motion to Alter or Amend Judgment, as stated above is moot, as it makes fundamentally the same arguments as Appellant's first Motion to Alter or Amend Judgment that has already been denied by Judge Wheeler and thus, Respondent believes that Judge Wheeler would similarly deny the second Motion. Therefore, the

Court's probable denial of this Motion to Alter or Amend Judgment will likely not have an effect on this appeal and this appeal should not be stayed pending the Court's ruling.

Second, Appellant argues that she is waiting on transcripts from the Probate Court hearing and the June 4, 2026 bond hearing. Appellant also argues that the Record of Appeal is "voluminous, spanning probate proceedings, a circuit court appeal, and related bond proceedings." However, the probate and bond proceedings are beyond the scope of this appeal, as neither relate to the Respondent's Motion to Dismiss Appeal, which is based on procedural grounds. Any transcripts or documents related to the probate or bond proceedings are not relevant to this appeal and an extension should not be granted for Appellant to obtain such transcripts or documents.

Third, Appellant argues that she needs more time because she is self-represented and has a "documented, longstanding disability." The initial probate action has been pending since February 2025, and Appellant first filed her Application for Restraint with the Probate Court in December 2025. Therefore, Appellant has had ample time to retain counsel in this matter to help her and prevent her disability from affecting this matter.

Finally, this is Appellant's first request for an extension, but her stated reasons for an extension are unrelated to this matter or are not persuasive to grant an extension. Further, Appellant has extended the length of this matter through multiple Motions to Alter or Amend and it is foreseeable that this would not be Appellant's last request for an extension. Therefore, Respondent requests that this Court deny Appellant's Motion for Extension.

II. Appellant has failed to provide a transcript or furnish a bond and thus, this appeal should be dismissed.

Rule 207, SCACR, provides "the transcript [of the proceeding] must be ordered within ten (10) days after the date of service of the notice of appeal" and "[t]he court reporter shall transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request."

The court reporter can request an extension by filing a Notice of Request for Extension form with Court Administration. If the appellant has not received the transcript within sixty (60) days or been notified of an extension, appellant must notify Court Administration, the Clerk of Court, and the court reporter in writing.

In this case, the transcript was ordered by Appellant on May 15, 2026, but more than sixty (60) days have passed and Respondent has not seen any correspondence relating to an extension for the court reporter or correspondence from Appellant notifying Court Administration, the Clerk of Court, and the court reporter. Therefore, Appellant has either failed to provide the transcript or failed to inform the Court of the transcript not being furnished as required by the Appellate Court Rules.

Further, Appellant was ordered to furnish a fifty thousand and 00/100 ($50,000.00) dollar bond, but has failed to furnish the appeal bond within ten (10) days of the Court's Order filed on July 9, 2026. Therefore, based on Appellant's failure to provide the transcript or failure to inform the Court of the transcript not being furnished and Appellant's failure to furnish the required appeal bond, this Court should dismiss this appeal.

CONCLUSION

For the reasons stated above, Respondent requests that this Court deny Appellant's Motion for Extension and dismiss this appeal.

Respectfully submitted,

s/*William H. Edwards*
William H. Edwards, SC Bar No.: 71199
Moore Bradley Myers Law Firm, P.A.
1700 Sunset Boulevard
West Columbia, SC 29169
Phone: 803-796-7190
Email: will@mbmlawsc.com
Attorney for Respondent

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